

HOUSE BILL NO. 939

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on _____)

(Patron Prior to Substitute--Delegate Robinson)

A BILL to amend and reenact § 32.1-42.1 of the Code of Virginia, relating to Commissioner of Health; administration and dispensing of necessary drugs, devices, and vaccines during public health emergency; emergency.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-42.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-42.1. Administration and dispensing of necessary drugs, devices and vaccines during a declared disaster or emergency.

A. The Commissioner, pursuant to § 54.1-3408, may authorize persons who are not authorized by law to administer or dispense drugs or devices to administer or dispense all necessary drugs or devices in accordance with protocols established by the Commissioner when (i) the Governor has declared a disaster or a state of emergency ~~or~~, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or when the Board has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the Commissioner. For purposes of this section, "administer," "device," "dispense," and "drug" shall have the same meaning as provided in § 54.1-3401. The Commissioner shall develop protocols, in consultation

27 with the Department of Health Professions, that address the required training of such persons and
28 procedures for such persons to use in administering or dispensing drugs or devices.

29 B. Where the Commissioner, pursuant to subsection A, authorizes persons who are not otherwise
30 authorized by law to administer vaccines, such persons shall include any of the following who, due to
31 their education and training, are qualified to administer drugs: (i) any person licensed by a health
32 regulatory board within the Department of Health Professions whose license is in good standing, or was
33 in good standing within the 20 years immediately prior to lapsing; (ii) any emergency medical services
34 provider licensed or certified by the Department whose license or certification is in good standing, or was
35 in good standing within the 20 years immediately prior to lapsing; and (iii) any health professions student
36 enrolled in an accredited program in the Commonwealth who is in good academic standing with such
37 student's school and provided that the school certifies that the student has been properly trained in the
38 administration of vaccines. A health professions student who administers vaccines pursuant to this section
39 shall be supervised by any eligible health care provider who holds a license issued by a health regulatory
40 board within the Department of Health Professions, and the supervising health care provider shall not be
41 required to be licensed in the same health profession for which the student is studying. A person who is
42 licensed as a nurse practitioner by the Boards of Medicine and Nursing or licensed as a physician assistant
43 by the Board of Medicine who administers vaccines pursuant to this section may administer such vaccine
44 without a written or electronic practice agreement. In the absence of gross negligence or willful
45 misconduct, any such person authorized by the Commissioner or entity overseeing any such person who
46 administers the vaccine pursuant to this section shall not be liable for (a) any actual or alleged injury or
47 wrongful death or (b) any civil cause of action arising from any act or omission arising out of, related to,
48 or alleged to have resulted in the contraction of or exposure to the communicable, contagious, and
49 infectious disease or to have resulted from the administration of the vaccine.

50 **2. That an emergency exists and this act is in force from its passage.**

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